

United States District Court
Southern District of Texas
Holding Session in Corpus Christi

United States of America

v.

JUSTINO RINCON, JR.

Date of Previous Judgment: April 8, 2004
(Use Date of Last Amended Judgment if Applicable)

CASE NUMBER: **2:03CR00391-001**

USM NUMBER: 31091-179

Christopher Jenkins, AFPD
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months **is reduced to** 60 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 25

Amended Offense Level: 23

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 70 to 87 months

Amended Guideline Range: 60 to 71 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

III. ADDITIONAL COMMENTS

See Additional Comments Continued Sheet

Except as provided above, all provisions of the judgment dated April 8, 2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 6, 2008


Signature of Judge

Effective Date: _____
(if different from order date)

JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

JJ | JG/dln